

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**

November 4, 2019  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Planning and Development Services Director Dave Ramstad, Park and Recreation Director Rob Baumgarn, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, and City Attorney Robert Scott.

Proposed additions to the agenda included: Council Member Mueske added update on City Administrator search; Mayor Calvin added update on DEED grant.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Alvarado seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of October 21, 2019
- B. Willmar Municipal Utilities Board Minutes of October 28, 2019
- C. Carris Health-Rice Memorial Hospital Board Minutes of March 6, June 5, and September 4, 2019
- D. Planning Commission Minutes of October 16, 2019
- ~~E. Resolution Designating a New Polling Location for Ward 1, Precinct 1~~
- F. Accounts Payable Report October 16 – 30, 2019
- G. Parks and Recreation Board Minutes of October 23, 2019
- H. Board of Zoning Appeals Minutes of September 10, 2019
- I. Willmar Lakes Area CVB Board Meeting Minutes of September 17, 2019

Council Member Mueske offered a motion to approve the Consent Agenda. Council Member Davis asked that Item E. be removed for discussion. Council Member Fagerlie seconded the motion to approve the consent agenda, with the removal of Item E., which carried.

Council Member Davis questioned whether a resolution should be on the consent agenda rather than the regular agenda. Mayor Calvin directed staff to, in the future, list agenda items that require a resolution on the regular agenda or include with Committee reports.

Council Member Mueske asked for explanation of the resolution. City Clerk Judy Thompson explained that the Community Center is currently the polling location for Ward 1, Precinct 1. With the possibility of the Community Center being under construction in 2020, the National Guard Armory has agreed to be the polling location for Ward 1, Precinct 1 for the 2020 elections.

Council Member Davis then offered a motion to approve Item E. and introduced **Resolution No. 19-170 Establishing a New Polling Place for Ward 1, Precinct 1 in the City of Willmar**. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

No one was present to speak during the Open Forum.

Planning and Development Services Director Dave Ramstad introduced the new Building Permit Technician Lynn Schuldes to the Mayor and Council. Ms. Schuldes began her employment with the City on October 21st. Mayor Calvin and members of the Council welcomed her to the City.

At 7:07 p.m. Mayor Calvin opened the public hearing to Amend Electric and Water Rates Charged by the Willmar Municipal Utilities. Municipal Utilities General Manager John Harren highlighted the proposed changes being recommended.

David Keller, Willmar, asked for clarification on the sewer meter charge listed on his utility bill.

City Administrator Brian Gramentz and Public Works Director Sean Christensen explained that this is a base rate for sewer usage based on water usage, and has been on the bills for years.

There being no others to speak for or against the amended electric and water rates charged by the Willmar Municipal Utilities, Mayor Calvin closed the hearing at 7:22 p.m. and opened it up for discussion by the Council.

Following a lengthy discussion, Council Member Schwantes offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1442 An Ordinance Amending Rates Charged by the Municipal Utilities Commission of the City of Willmar, A Public Utility, to be Effective for Revenue Months on and After January 1, 2020.** Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Fagerlie offered a motion to approve publication of said Ordinance Amending Rates Charged by the Municipal Utilities by summary due to the length and cost of publishing entire Ordinance. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Economic Development Commission Director Aaron Backman informed the Council that the DEED grant in the amount of \$1.3 million has been approved for the sewer project to the Epitopix production facility. This will allow the proposed project to continue to move forward.

The Public Works/Safety Committee Report for October 23, 2019 was presented to the Mayor and Council by Council Member Plowman. There were five items for consideration.

Item No. 1 It was the recommendation of the Committee to introduce an ordinance amending Chapter 3, Alcoholic Beverages, Article III, Section 3-137 Brewer Taproom Licenses, and adopting a new Section 3-138, Brew Pub License and set a Public Hearing for November 18, 2019, at 7:01 p.m.

Following a brief discussion, Council Member Plowman offered a motion to **introduce an Ordinance Amending Chapter 3, Alcoholic Beverages, Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-137, Brewer Taproom Licenses, and Adopting a New Section 3-138, Brew Pub Licenses** and set a public hearing for November 18, 2019 at 7:01 p.m. Council Member Asmus seconded the motion which carried.

Council Member Plowman offered a motion to approve publication of said Ordinance Amending Chapter 3, Alcoholic Beverages, Article III, Sale of Intoxicating Liquor for On-Premises Consumption, Division 2, License, Section 3-137, Brewer Taproom Licenses, and Adopting a New Section 3-138, Brew Pub Licenses by summary due to the length and cost of publishing entire Ordinance. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 It was the recommendation of the Committee to enter into a contract with Marcus Construction as the Construction Manager at Risk for the Invest in Willmar projects including Recreation Fields, Event Center (Civic Center location) and Swansson Fields.

Marcus Construction representative Jim Bach thanked the Mayor and Council and stated his company is honored and excited to begin the work on these projects.

**Resolution No. 19-171 Authorizing the Agreement with Marcus Construction for Construction Manager at Risk for the Invest in Willmar Projects at the Civic Center Arena (Recreation Fields and Event Center) and Swansson Fields** was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 It was the recommendation of the Committee to accept Project No. 1801-A and authorize final payment in the amount of \$57,151.21 to Duinck, Inc.

**Resolution No. 19-172 Accepting Project No. 1801-A and Authorizing Final Payment** was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 The Committee discussed renaming the CIP items to Swansson Baseball Lighting to give options for the most efficient project. This item was for information only.

Item No. 5 The Committee discussed potential improvement projects for next year and street funding options. This item was for information only.

The Public Works/Safety Committee Report of October 23, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Asmus seconded the motion, and carried.

The Finance Committee Report for October 24, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were six items for consideration.

Item No. 1 At the last Finance Committee meeting, members were informed that Parcel No. 95-668-1700, 95-668-4900, and 95-913-1115, all of which are vacant lots, have been forfeited to the State of Minnesota for non-payment of property taxes. As such, Kandiyohi County has valued these parcels at \$300, \$100, and \$200, respectively and there are no special assessments owing against said parcels. At that Finance meeting, it was the consensus of the Committee to send this matter back to Public Works Director Sean Christensen, prior to authorizing the County to sell these parcels, to provide further clarification of why the City would not benefit from owning them, particularly because of their location and storm water issues.

At the last Council meeting, action was taken to direct the City to purchase Parcel 95-913-1115 which was considered to be beneficial for the City to own because of storm water drainage. The cost to the City is the established value of this parcel of \$200 plus filing fees.

Staff recommended that the remaining two properties, Parcels No. 95-668-1700 and 95-668-4900 should be put up for sale at the public auction via the Kandiyohi County Auditor's Office. A memo from Public Works Director Sean Christensen stated that there would be no benefit to the City to own these two parcels.

It was the recommendation of the Committee to allow Parcels 95-668-1700 and 95-668-4900 to be put up for public auction via the Kandiyohi County Auditor's Office.

Council Member Nelsen offered a motion to approve the Committee's recommendation. Council Member Asmus seconded the motion which carried.

Item No. 2 Willmar Municipal Code, Chapter 5, Article V, Special Assessments and the City's Comprehensive Assessment Policy offer the option to defer special assessments to senior citizens, disabled, or active military deferrals meeting certain income guidelines. This year's project, the 2019 Street and Other Improvements, received four qualifying applications. Staff is recommending these applications for deferment be approved as follows: Parcel 95-184-0380 owned by Orestes and Maria Aguilar for \$4,250.00, 95-184-1320 owned by Kenneth B. and Roseann Herzberg for \$12,750.00, 95-360-0100 owned by Ralph W. and Evelyn Olson for \$6,690.35, and 95-184-0370 owned by Douglas and Diane Madison for \$4,250.00.

It was the recommendation of the Committee to introduce a resolution approving the deferment of the 2019 Special Assessments for the four properties as presented totaling \$27,940.35.

**Resolution No. 19-173 Certifying Deferred Special Assessments** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 Annually, the Willmar Municipal Utilities (WMU) provides a list of unpaid utility bills to the City for certification to the County Auditor per Section 16-127 of the Willmar City Code which states that such unpaid utility bills represent a lien on the real property receiving utility services. Further, WMU has offered the owner the right to request an appearance before the Commission to make objections to payment. After holding that meeting, WMU adopted Resolution No. 37 on September 23, 2019, requesting that the Willmar City Clerk certify the unpaid utility charges as a lien on the real property. The Finance Committee was presented with this year's list of 13 parcels totaling \$6,078.90.

It was the recommendation of the Committee to introduce a resolution certifying the Willmar Municipal Utilities list of unpaid utility charges totaling \$6,078.90, as presented, to Kandiyohi County for collection with the 2020 real estate taxes.

**Resolution No. 19-174 Approving Unpaid Utility Charges be Certified Against the Real Property** was introduced by Council Member Nelsen. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 The September 30, 2019, Financial Report was presented to the Committee. The status of various capital improvement expenditures were discussed as well as operating revenues and expenditures in both the General Fund and Waste Treatment Fund. This item was for information only.

Finance Director Steve Okins reviewed the report with the Mayor and Council.

Item No. 5 The Mayor's 2020 Proposed Budget was discussed, particularly the items to be reviewed at the Full Council meetings on November 7th and November 21st. The following questions from Council members have been addressed to date – to be discussed on the 7th:

Question #1. Can you show Reserve accounts/amounts used in the 2020 proposed budget, particularly one-time dollars? The one-time Reserve amounts used are approximately \$1.7 million. Of that amount, \$840,000 is excess funds from prior operating years as of 2018 and \$870,000 is from the Insurance Buy-out Program which was terminated earlier this year. This \$1.7 million has been used in the 2020 budget for part of the NonDepartmental Expenditures, particularly for personnel costs, health insurance, etc.

Question #2. Can you identify all new expenditures over \$20,000, not included in the 2019 budget? Both revenues and expenditures affected by this, whether increasing or decreasing, have been noted below:

Revenues:	Current Ad Valorem	\$526,821 (plus \$147,000 per recent Committee Action)
	Franchise Fee (Gas)	\$245,000
	Building Permits	\$101,467
	Local Gov. Aid	\$272,259
	PERA Aid	\$(31,494)
	Shared Hwy Tax MSA	\$ 26,000
	Warhawks	\$ 52,500
	Curling	\$ 20,000
	Ice Rental	\$(72,500)
	Parks & Rec Charges	\$ 31,800
	Interest Earning	\$ 60,649
	Insurance Reimbursements	\$ 50,000

	Insurance Pass Thru	\$ 20,000
Expenditures:	City Administrator – Prof Serv.	\$149,121
	Planning Personnel Costs	\$ 28,732
	Intern \$10,000	
	Finance Personnel Costs	\$108,319
	Add'l Position	
	IT Licenses and Taxes	\$( 36,000)
	Elections Personnel Costs	\$ 72,983
	Other Charges-Machines	\$ 33,000
	NonDepartmental	
	Employer Ins/Pers Costs	\$1,378,770
	Retired Employee Ins	\$( 35,410)
	Refunds/Reimburse.	\$( 100,000)
	Fire Protection	
	Personnel Costs	\$ 117,754
	Additional Position	
	Engineering Personnel Costs	\$ 26,595
	Professional Services	\$( 40,000)
	Public Works Personnel Costs	\$ 69,079
	Mtce of Other Improve	\$( 36,500)
	Parks & Rec Personnel Costs	\$( 243,552)
	Small Tools	\$ 23,000
	Professional Services	\$ 30,000
	Civic Center Personnel Costs	\$( 31,157)
	Aquatic Center Personnel Costs	\$( 25,408)
	Transfers	
	Airport	\$ 119,197
	Misc Projects	\$( 208,103)
	Capital Improvements	\$ 89,675

Question #3. Can you identify all 2019 budget expenditures with greater than 20% increases in the 2020 budget? 2019 items with 20% increase or decrease? A brief review highlighted the main points, with many of these items being not material in nature. Further budget questions should be addressed to the City Administrator as needed.

Non-funded capital items were briefly discussed, including the lights at the ball field for \$315,000. Franchise Fees were also discussed, including options of how to structure the fees charged.

Clarifications will be provided on the Eagle Lake Sewer Lift Station improvements, the short-term improvements at City Hall for \$90,000, the Police Department Search Robot for \$18,000, ticket automation, insurance reimbursements, Planning Personnel Costs, NonDepartmental Refunds and Reimbursements, and Public Works Personnel Costs and Maintenance of Other Improvements.

Further discussion is needed on the \$870,000 for fixed charges, the \$147,000 in additional levy, the \$245,000 in new franchise fees, the new assistant city administrator position, personnel insurances, the PIR funding possibility for the lights at Swansson field, the new assistant fire chief and accounting clerk positions, the HR and Planning Interns, capital improvements, streets, and water rates. This item was for information only.

Item No. 6 The Finance Committee meeting calendar and future agenda items were briefly summarized. This item was for information only.

The Finance Committee Report of October 24, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried.

City Clerk Judy Thompson stated at the October 21, 2019 Council meeting, the Council approved the city's purchase of a tax forfeited parcel, Parcel No. 95-913-1115, for stormwater management. The appropriate documents have since been prepared by City Attorney Robert Scott.

**Resolution No. 19-175 Approving the Acquisition of Real Property in Willmar, Minnesota, and Dispensing with Review of the Purchase by the Willmar Planning Commission** was introduced by Council Member Mueske. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Labor Relations Committee Report for October 28, 2019 was presented to the Mayor and Council by Council Member Mueske. There were three items for consideration.

Item No. 1 Staff presented the ninth section of the updated employee personnel policy, Sexual Harassment Prevention, Respectful Workplace, and Job Related Injury or Illness Policies. The Sexual Harassment Prevention and Respectful Workplace policies differ from previous sections because they will apply to members of boards/commissions and elected officials in addition to employees. Language related to elected officials was added regarding forfeiture of office. It was the recommendation of the Committee to adopt the ninth section of the new Personnel Policy, Sexual Harassment Prevention, Respectful Workplace, and Job Related Illness or Injury Policies.

Council Member Mueske offered a motion to approve the Committee's recommendation. Council Member Schwantes seconded the motion which carried.

Item No. 2 Staff presented the tenth section of the updated employee personnel policy and Outside Employment Policy. No significant changes were made to the League's language or deviations from our current policies. It was the recommendation of the Committee to adopt the tenth section of the new Personnel Policy and Outside Employment Policy.

Council Member Mueske offered a motion to approve the Committee's recommendation. Council Member Schwantes seconded the motion which carried.

Item No. 3 Staff distributed the eleventh section of the updated employee personnel policy. At the League's recommendation, staff is utilizing their handbook template and customizing it to Willmar's policies and procedures. This item was for information only.

The Labor Relations Committee Report of October 28, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Mueske. Council Member Schwantes seconded the motion which carried.

Human Resource Director Samantha Beckman updated the Mayor and Council on the search process for a City Administrator. Ms. Beckman stated the advertising/recruitment period is scheduled to end on or around November 11th; Baker-Tilly will screen the applicants and schedule video interviews from November 11th through November 25th; semi-finalist report will be prepared by Baker-Tilly during the week of December 2nd; assuming everything proceeds as scheduled, an employment offer would be made the end of January 2020 or early February 2020.

Human Resource Director Samantha Beckman presented to the Mayor and Council, Memorandums of Agreement (MOA's) adjusting wages and switching health insurance in 2020. Ms. Beckman stated in 2019 the Supervisor Unit and unrepresented employees moved over to Public Employees Insurance Program (PEIP) health insurance while remaining unions remained on a Blue Cross Blue Shield (BCBS) Plan. With the 32 percent (32%) increase in premiums for the BCBS plan and increasing deductible, the City requested that the union employees consider switching to PEIP health insurance in 2020. Starting January 1, 2020, the General

Unit, Public Works Unit, and LELS employees voted to switch to PEIP health insurance with adjustments to their wage scales.

Council Member Mueske offered a motion to approve the Memorandums of Agreement (MOA's) adjusting wages and switching health insurance in 2020. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Asmus abstained from voting.

Mayor Calvin stated that the City of Willmar will be celebrating their 150th Anniversary in 2020. Mayor Calvin would like to ask for volunteers for organizing a committee to discuss ideas to celebrate this milestone.

Council Member Mueske offered the following comments: a lot of great things happened tonight and offered kudos to City staff for all their good work.

Council Member Schwantes offered the following comments; Willmar Fests will be celebrating their 75th Anniversary in 2020; the city hall task force will be touring two city halls on Wednesday, November 6th.

Council Member Alvarado offered the following comments: when the Destination Playground was built many people stated we should build another project. The Celebrate the Light of the World is looking for volunteers to help with the setup for the 2019 display and urged everyone to help out.

The upcoming Committee meetings will be as follows: Finance Committee – Thursday, November 7th at 5:15 p.m. Finance & Full Council to hold Budget conversations; Public Works/Safety Committee – Wednesday, November 6th at 5:15 p.m.; Labor Relations Committee – due to the Veterans Day holiday, the Committee will meet on Tuesday, November 12th at 6:15 p.m.; and Community Development Committee – Tuesday, November 12<sup>th</sup> at 5:15 p.m.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Nelsen seconding the motion which carried. The meeting adjourned at 9:27 p.m.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
SECRETARY TO THE COUNCIL

**CITY OF WILLMAR  
RESOLUTION NO. 19-170**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA  
ESTABLISHING A NEW POLLING PLACE FOR WARD 1, PRECINCT 1 IN THE CITY OF WILLMAR**

Motion By: Davis

Second By: Schwantes

**WHEREAS**, Precincts are the basic geographical areas for organizing and administering elections;  
and

**WHEREAS,** The City Council has previously established three polling locations in each of the City's four wards; and

**WHEREAS,** Pursuant to Minn. Stat. § 204B.16, the City has the authority to designate polling places by ordinance or resolution; and

**WHEREAS,** The City has previously used the Willmar Community Center at 624 North Highway 71 in the City as the polling place for Ward 1, Precinct 1; and

**WHEREAS,** The City expects the Willmar Community Center will be under construction during 2020, and will likely not be a suitable polling place in 2020; and

**WHEREAS,** Upon reviewing available facilities, City staff has recommended changing the polling place for Ward 1, Precinct 1 to the National Guard Armory at 614 Highway 71 Northeast in the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Willmar that:

1. Pursuant to Minn. Stat. 204B.16, subd. 1, the polling place for Willmar Ward 1, Precinct 1 is designated as the National Guard Armory at 614 Highway 71 Northeast in the City.
2. The change in the polling place designated for Ward 1, Precinct 1 in Paragraph 1 shall be incorporated into the list of all polling places in the City to be designated by resolution of the City Council on or before December 31, 2019.
3. The polling place designated in this Resolution shall be used for Ward 1, Precinct 1 until such time as the City Council designates a new polling place for said precinct, and no other location shall be used as a polling place unless a condition listed in Minn. Stat. 204B.16, subd. 1(1) through (3) is present, or unless otherwise allowed by law.
4. The City Clerk shall deliver notice to all households affected by this Resolution in the manner required by Minn. Stat. § 204B.16, subd. 1a.

Adopted by the City Council of the City of Willmar on November 4, 2019.

Approved:

s/s Marv Calvin  
Mayor

Attested:

s/s Judy Thompson  
City Clerk

#### **RESOLUTION NO. 19-171**

#### **RESOLUTION AUTHORIZING THE AGREEMENT WITH MARCUS CONSTRUCTION FOR CONSTRUCTION MANAGER AT RISK FOR THE INVEST IN WILLMAR PROJECTS AT THE CIVIC CENTER ARENA (RECREATION FIELDS AND EVENT CENTER) AND SWANSSON FIELDS**

Motion By: Plowman

Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar to approve an agreement with Marcus Construction to be the Construction Manager at Risk for the above listed projects for the amount of \$1,646,630.00.



Dated this 4<sup>th</sup> day of November, 2019.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 19-172**

**A RESOLUTION ACCEPTING PROJECT NO. 1801-A AND AUTHORIZING FINAL PAYMENT.**

Motion By: Plowman

Second By: Alvarado

IMPROVEMENT: Project No. 1801-A – Reconstruction of 9<sup>th</sup> Street and Park Avenue  
NW

CONTRACTOR: Duininck, Inc.  
DATE OF CONTRACT: June 18, 2018  
BEGIN WORK: August 21, 2018  
COMPLETE WORK: May 30, 2019  
APPROVE, ENGINEERING DEPT: May 30, 2019

**BE IT RESOLVED** by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1801-A be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$1,397,831.70
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$1,397,831.70
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$1,312,124.25
Less Previous Payments	\$1,254,973.04
<b>FINAL PAYMENT DUE CONTRACTOR:</b>	<b>\$57,151.21</b>

Dated this 4<sup>th</sup> day of November, 2019

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 19-173**

**A RESOLUTION CERTIFYING DEFERRED SPECIAL ASSESSMENTS**

Motion By: Nelsen Second By: Plowman

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the reconstruction of certain streets during the year 2019 (Project 1901); and

WHEREAS, Minnesota Statutes, Sections 435.193 to 435.195 allows local governments certifying special assessments against municipal properties to defer the payment of that assessment for any homestead property owned by a person 65 years of age or older, retired by virtue of a permanent and total disability; and active military

WHEREAS, certain property owner(s) have made application to the City for delayed payment of tax on special assessments and have met the criteria contained in Minnesota Statutes for said deferment.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred for the years of 2020 through 2029 with interest at the annual rate of four and three tenths (4.3%) percent.

BE IT FURTHER RESOLVED that the option to defer payments will terminate and all deferred payments and interest become payable if a) the owner dies and the surviving spouse is not eligible; b) the property or a portion of the property is sold, transferred or subdivided; c) the property loses its homestead status; or d) the City determines that to require immediate or partial payment would not create a hardship.

Orestes & Maria Aguilar 425 14 <sup>th</sup> Street SE Willmar	95-184-0380 Section 14, Township 119, Range 35, Lot 8, Block 3 ERICKSON'S THIRD ADDITION TO THE CITY OF WILLMAR	\$4,250.00
Kenneth B. & Roseann Herzberg 500 16 <sup>th</sup> Street SE Willmar	95-184-1320 Section 14, Township 119, Range 35, Block 9 ERICKSON'S THIRD ADDITION TO THE CITY OF WILLMAR E 75' OF LOTS 1, 2 & 3	\$12,750.00
Ralph W. & Evelyn Olson 2029 5 <sup>th</sup> Street SW Willmar	95-360-0100 Section 22, Township 119, Range 35 HOLMGREN ACRES LOT 10 EXC THAT PART DESC AS FLWS: BEG AT SW COR OF SD LOT 10, TH N'LY 15' TO A PT, TH IN A STRAIGHT LINE TO SE'LY COR OF SD LOT 10, TH SW'LY ON S'LY LINE OF SD LOT 10 TO PT OF BEG.	\$6,690.35
Douglas & Diane Madison 424 15 <sup>th</sup> Street SE Willmar	95-184-0370 Section 14, Township 119, Range 35, Lot 7, Block 3 ERICKSON'S THIRD ADDITION TO THE CITY OF WILLMAR	\$4,250.00

Dated this 4<sup>th</sup> day of November, 2019.

Attest:

s/s Marv Calvin  
MAYOR

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 19-174**

**RESOLUTION APPROVING UNPAID UTILITY CHARGES BE CERTIFIED  
AGAINST THE REAL PROPERTY**

Motion By: Nelsen

Second By: Alvarado

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 37 on September 23, 2019, requesting the Willmar City Clerk to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$6,078.90 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2020 and collected by the County Treasurer, and paid to the City Clerk along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid utility charges be certified against the real property as follows:

1. Parcel No. 95-160-0100  
Located at 369 13<sup>th</sup> Street SE \$94.98  
Described as Section 14, Township 119, Range 35, Lot 10, Block 1  
*EAST PARK ADDITION*
2. Parcel No. 95-003-0260  
Located at 317 9<sup>TH</sup> Street NW \$461.61  
Described as Block 3  
*WILLMAR, TOWN OF (ORIGINAL)*  
*East 100 feet of Lots 1 & 2*
3. Parcel No. 95-006-3420  
Located at 707 8<sup>th</sup> Street SW \$307.96  
Described as Section 15, Township 119, Range 35, Block 80  
*FIRST ADDITION TO THE CITY OF WILLMAR*  
*Lot 12 & South Half of Lot 13*
4. Parcel No. 95-080-0330  
Located at 1007 15<sup>th</sup> Street SW \$390.17  
Described as Lot 3, Block 3  
*BON-VAN ACRES*

- |     |  |            |
|-----|--|------------|
| 5.  | Parcel No. 95-003-3190<br>Located at 201 4 <sup>TH</sup> Street SW<br>Described as Block 29<br><i>WILLMAR, TOWN OF (ORIGINAL)</i><br><i>North 50 feet of Lots 11 &amp; 12</i>  | \$2,337.33 |
| 6.  | Parcel No. 95-665-0220<br>Located at 920 12 <sup>th</sup> Street SE<br>Described as Section 14, Township 119, Range 35, Lot 12, Block 2<br><i>PERKINS FIFTH ADDITION</i>   | \$578.84   |
| 7.  | Parcel No. 95-833-1330<br>Located at 605 33 <sup>rd</sup> Street NW<br>Described as Section 8, Township 119, Range 35, Lot 23, Block 7<br><i>VALLEY BROOK ESTATES</i>  | \$111.42   |
| 8.  | Parcel No. 95-590-0380<br>Located at 949 Rice Avenue SW<br>Described as Section 15, Township 119, Range 35, Lot 8, Block 3<br><i>NYQUIST'S NORTH ORCHARD ADDITION TO THE CITY OF WILLMAR</i>   | \$120.40   |
| 9.  | Parcel No. 95-668-0040<br>Located at 2312 3 <sup>rd</sup> Avenue SE<br>Described as Section 13, Township 119, Range 35, Lot 4, Block 1<br><i>PHEASANT RUN</i>  | \$344.29   |
| 10. | Parcel No. 95-150-0040<br>Located at 348 14 <sup>th</sup> Street SE<br>Described as Section 14, Township 119, Range 35, Lot 4<br><i>EAST ELM ADDITION</i>  | \$622.49   |
| 11. | Parcel No. 95-540-0200<br>Located at 824 7 <sup>th</sup> Street NW<br>Described as Section 10, Township 119, Range 35, Block 2<br><i>ERIK NILSONS ADDITION TO THE VILLAGE OF WILLMAR</i><br><i>(NELSON'S ADDITION TO THE VILLAGE OF WILLMAR)</i><br><i>North 100 feet of South 200 feet of Lot 7</i>   | \$222.97   |
| 12. | Parcel No. 95-440-0010<br>Located at 328 7 <sup>th</sup> Street NW<br>Described as Section 15, Township 119, Range 35<br><i>LAKE FRONT ADDITION TO WILLMAR</i><br><i>Lot 1 Except that Part Described as Follows: Commencing at the Northwest</i><br><i>Corner of Lot 1, Thence East 78.40 feet to a Point which is Part of Beginning</i><br><i>of Tract Herein Described, Thence Continued East 10.19 feet, Thence South</i><br><i>33.23 feet to South Line of Said Lot 1, Thence West 10 feet, Thence North</i><br><i>35.19 feet to Point on North Line of Said Lot 1 to Point of Beginning.</i> | \$390.48   |
| 13. | Parcel No. 95-180-0240<br>Located at 812 3 <sup>rd</sup> Street SE<br>Described as Section 14, Township 119, Range 35, Block 2<br><i>ERICKSONS ADDITION TO THE CITY OF WILLMAR</i><br><i>Lot 4 Except Southerly 5 feet; South Half of Lot 3</i>  | \$95.96    |

Dated this 4<sup>th</sup> day of November 2019.

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 19-175**

**A RESOLUTION APPROVING THE ACQUISITION OF REAL PROPERTY IN WILLMAR, MINNESOTA, AND DISPENSING WITH REVIEW OF THE PURCHASE BY THE WILLMAR PLANNING COMMISSION**

Motion By: Mueske

Second By: Nelsen

WHEREAS, certain real property located in the City of Willmar, Kandiyohi County, Minnesota, PID No. 95-913-1115, legally described on Exhibit A, which is attached hereto and incorporated herein by reference, referred to herein as the "Property", has been forfeited to the State of Minnesota through tax forfeiture; and

WHEREAS, Kandiyohi County has determined the market value of the Property is \$200; and

WHEREAS, the City of Willmar is authorized to purchase tax forfeited property pursuant to Minnesota Statutes, Section 282.01, subdivision 1a; and

WHEREAS, at the October 21, 2019 City Council meeting, the City Council of the City of Willmar voted to purchase the Property for \$200, to use for stormwater management purposes; and

WHEREAS, Minnesota Statutes, Section 462.356, subdivision 2 states that no publicly owned interest in real property within a city shall be acquired or disposed of until after the planning commission has reviewed the proposed acquisition or disposal and reported in writing to the City Council its findings as to compliance of the proposed acquisition or disposal with the comprehensive plan; and

WHEREAS, Section 4.02, subdivision 8 of the City Charter further requires approval by the City Planning Commission prior to any acquisition of public lands, buildings or property by the City.

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the City Council hereby finds that, subject to review and approval by the Willmar Planning Commission, the City Council hereby approves the purchase of the Property from Kandiyohi County for \$200.

Dated this 4th day of November, 2019

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

## **Exhibit A**

### **Legal Description**

That part of the West 1/2 of Southeast 1/4 & that part of the East 1/2 of Southwest 1/3 described as follows: Commencing at the Southeast corner of Outlot A of Pheasant Run 2nd Add., then southeasterly 291.88', then northwesterly 266.88', then northeasterly 212.96' to the point of beginning.